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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 12-0406 MMC
Plaintiff,)
v.)
JOHNNY RAY BURTON, and)
DAWN MONIQUE MCCANN)
Defendant.)
)
**STIPULATION AND [PROPOSED]
ORDER CHANGING HEARING DATE
AND EXCLUDING TIME**

The Court has set May 29, 2013 as the date for a further status hearing. Both defense counsel have recently had conflicts develop with that date, including a trial in another courthouse. In addition, the government recently produced final discovery and will be making plea offers shortly. The parties request that the Court set the next status hearing for July 10, 2013, at which time the parties anticipate either changes of plea or motions / trial setting.

The parties further request that time between these dates be excluded from any time limits applicable under 18 U.S.C. § 3161, for the purpose of continuity of counsel and effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

STIPULATION AND [PROPOSED] ORDER CHANGING HEARING DATE AND EXCLUDING TIME
CR 12-0406 MMC

1 SO STIPULATED:

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4 MELINDA HAAG
United States Attorney

5 DATED: May 28, 2013

6 /s/
7 KEVIN J. BARRY
Assistant United States Attorney

8 DATED: May 28, 2013

9 /s/
10 JULIA MEZHINSKY JAYNE
Attorney for JOHNNY RAY BURTON

11 DATED: May 28, 2013

12 /s/
13 GEORGE BOISSEAU
Attorney for DAWN MONIQUE MCAN

14 [PROPOSED] ORDER

15 For the reasons stated above, the Court moves the next status hearing from May 29, 2013
16 to July 10, 2013 and finds that exclusion from the time limits applicable under 18 U.S.C. § 3161
17 of the period from May 29, 2013 to July 10, 2013, is warranted and that the ends of justice served
18 by the continuance outweigh the best interests of the public and the defendant in a speedy trial.
19 18 U.S.C. §3161(h)(7)(A). The failure to grant the requested exclusion of time would deny
20 counsel for the defendant and for the government the reasonable time necessary for effective
21 preparation and continuity of counsel, taking into account the exercise of due diligence, resulting
22 in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

23 IT IS SO ORDERED.

24 DATED: May 28, 2013

25 
THE HONORABLE MAXINE M. CHESNEY
United States District Judge